

**To:** R2 EPA Region 2 (EPA Staff)[R2\_EPA\_Region\_2\_EPA\_Staff@epa.gov]  
**From:** Johnson, Valencia  
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## **Midland Park critical of lead remediation by Ridgewood Water**

August 20, 2015

Midland Park Suburban News

The Borough Council flooded officials of Ridgewood Water with questions about the high level of lead in water supplied to the community but was left parched by its steps to remediate the situation.

Richard Calbi, the company's new director of operations, and its business manager David Scheibner were asked to appear at the council's Aug. 13 meeting to explain information contained in a brochure the company sent to residents and businesses about the contamination.

The brochure states that routine monitoring in June 2012 found that some drinking water samples had lead levels above the "EPA action level" of 15 parts per billion (ppb) or 0.015 milligrams of lead per liter (mg/L).

The representatives explained that samples were taken at addresses identified as "high-risk" or known to have lead pipes.

Scheibner said results at "six homes triggered treating the whole system."

Mayor Patrick "Bud" O'Hagan asked whether any of the "high-risk" addresses were in the borough.

The representatives said three residences, all known to have lead service lines, located on Godwin Avenue, Erie Avenue and Van Blarcom Avenue, were used in the sampling and showed lead contaminants.

Councilman Jack Considine asked what triggered the increase in lead.

"Prior to 2012, it was not far from the action level," said Scheibner.

To remedy the situation, Calbi said the company has added phosphate to about half of the wells.

Phosphate, according to a brochure from the Phosphate Forum of the Americas that was distributed to council members, is used to prevent the formation of iron and manganese in the water, to prevent or retard scale formation from mineral depositing and corrosion, and to reduce soluble lead and copper in potable water."

Appearing shocked, members of the council asked why they weren't informed about the remediation.

"Instead of taking lead out of the water, we are adding more chemicals to the water," said Councilwoman Lorraine DeLuca. "What about our residents with sodium restrictions?"

Calbi said the use of phosphate was the "recommended treatment" and would "coat the pipes" and prevent lead from leeching into the water supply.

Councilwoman Nancy Cronk Peet said many residents have been "complaining" that the water tastes "different."

"Is it the phosphates that are changing the taste?" she asked

Councilman Mark Braunius also grilled the representatives about the piping infrastructure.

"Our pipes are cast iron and not lead," said Scheibner. "The water that comes out of our facility is lead-free."

Braunius asked about pipes "under the roadway."

"If your monitoring shows that a pipe on Godwin Avenue has lead, would you replace it or line the supply line to correct the situation?" Braunius asked. "What in your system is contributing to the increase in lead?"

"There is 275 miles of pipe in four townships," said Calbi — which include Wyckoff, Glen Rock and Ridgewood. "The lead leeching into the water is not from us. It is happening where it is stagnant in the home."

Braunius said he would prefer a "permanent fix."

"I would rather you replace every lead pipe," he said "You are putting a Band-Aid on a major cut."

Scheibner said homes built prior to 1930 may have lead supply lines into the home.

"We have records on many addresses and would be able to tell you if your supply line is made of lead piping," he said.

Scheibner maintained that the lead leeching in the water supply is a residential issue.

"Your indoor plumbing and faucets may contain lead and when water sits in the pipe, it becomes contaminated," said Scheibner. "Even those faucets that claim to be lead-free are not."

Scheibner said homeowners should "never use hot water from the tap," as it picks up lead easily, but should always run the water for " a few seconds" prior to using to flush the stagnant water from the pipes.

"Don't run it too long — there are water restrictions," Peet interjected, drawing laughter from the dais. (The company has imposed Stage II restrictions on water use.)

After more than 30 minutes of questioning, council President Scott Pruiksma broke the tension in the room with a suggestion.

"Perhaps you would like to attend Midland Park Day on Sept. 12 and talk to the residents and mothers in town? We can put you in the dunk tank."

## **WP borough hope to determine viable options for New Street reservoir**

August 20, 2015

Passaic Valley Today

Borough officials are looking at ways to save the reservoir on New Street from being replaced by concrete tanks.

Replacing the reservoir is part of a larger project, which also includes plans to drain and construct concrete tanks in the Stanley M. Levine reservoir in Paterson or to introduce another alternative and to replace the Great Notch reservoir with two large concrete tanks located above ground.

Regarding New Street, the Passaic Valley Water Commission has considered alternatives such as constructing tanks in another location, using UV treatments, and attempting to cap the reservoirs. Later in the project, according to an article in The Record published last month, two other open-air reservoirs on New Street that are located at the entrance to Garret Mountain Reservation and at Great Notch in Rifle Camp Park are scheduled to be replaced by tank farms.

"We need to determine what alternatives are viable with New Street so we can save that reservoir as well," said Woodland Park Mayor Keith Kazmark.

Kazmark said borough officials hope to provide the water commission with alternative suggestions for the project such as constructing a treatment plant near Cedar Grove that would preserve the Garret Mountain reservoir.

"We are trying to ensure the water commission is having fruitful dialogue with Newark about building this treatment plant," said Kazmark.

If the commission entered into a shared service agreement with the city of Newark, according to Kazmark, tanks would

not need to be constructed in Great Notch since the city owns the Cedar Grove reservoir. Local and state officials have talked about ways treatment facilities, covers or storage tanks can be used in the Cedar Grove reservoir as well to comply with state Environmental Protection Agency (EPA) regulations that would prevent certain bacteria from getting into the water supply.

Last month, the commission signed an amended consent order with the New Jersey Department of Environmental Protection for the Garret Mountain reservoir project. Under the order, the commission has until Feb. 15, 2016 to move forward with its project to replace the reservoirs or to come up with an alternative plan. Public outreach for work on the New Street Reservoir is likely to start in two to three years, according to Joseph Bella, executive director for the PVWC.

The commission has used the Stanley M. Levine reservoir and the ones on New Street to store already-treated water that serves as a backup supply to use in case of an emergency, according to the article in The Record. Almost a decade ago, the EPA created regulations that would prevent certain bacteria from birds and other wildlife from getting into the water supply. As a result, the EPA has ordered that the drinking water either be stored in tanks or be re-treated, according to the article.

## **VIPA Board Looks to Begin Dredging, Red Hook Parking Projects**

August 20, 2015

St. Croix Source

V.I Port Authority board members took the first steps Tuesday toward some major capital projects, including the dredging of Schooner Channel on St. Croix, the addition of a second parking level at the Red Hook dock lot and the construction of a \$7 million fuel storage facility at the St. Thomas airport.

The fuel storage site will be paid for by PG Fuels Inc., the family owned business that already operates Petrus Plaza across from the seaplane terminal. VIPA officials said they had recommended three sites for the family to choose from and two were selected, one that would be leased annually for 30 years at \$76,839 per year and the second, when it becomes available, for \$69,522 per year.

VIPA officials said the company proposed to invest \$7 million into constructing the facility, which must be completed within three years after the lease is officially executed. The facility will store various grades of gas and will be located near the existing fuel site operated by Total Petroleum.

The need for clarifications to the language in the lease was a concern for new VIPA board member Claude Walker, acting attorney general, who said that VIPA should be able to collect damages or terminate the lease should the facility be complete or “substantially complete” after the three years.

VIPA attorney Don Mills said that standard VIPA contracts allow for the authority to terminate or extend the contract with additional conditions if construction is ongoing, but Walker and other officials said they have no reason to believe, since the company has operated within the community for years, that it would default on the terms of the lease.

The board also approved:

- hiring a firm to install an incinerator to service the Customs and Border Protection facilities at the Cyril E. King Airport on St. Thomas. VIPA chief engineer Dale Gregory said the project was publicly bid and VIPA officials recommended, from the five contractors that responded, awarding the contract to Rijo Consultant Repairs and Maintenance in the amount of \$68,722. VIPA Executive Director Carlton Dowe explained to board members that installing the incinerator would keep the Port Authority from having to pay a private company to dispose of “any kind of contraband” seized at the airport by federal agents that needs to be destroyed.

- a \$71,835 task order allowing CDR Maguire, the authority’s marine consultant, to begin construction documents for the dredging of Schooner Channel in Gallows Bay on St. Croix. Gregory explained to board members Wednesday that VIPA is seeking an Army Corps of Engineers permit for the dredging, which is being funded by \$500,000 in marine bond proceeds and another \$500,000 from the Public Finance Authority. According to VIPA documents, the channel has not been dredged in more than 20 years and is, in some areas, higher than the necessary 18 foot depth.

- purchasing marine fenders and galvanized cleats from Maritime International for bulkhead and apron repairs to the

waterfront marine facility west of the fruit stand and east of the seaplane terminal on St. Thomas. The total purchase price is \$178,659.

- a \$368,145 task order that would allow CDR Maguire to prepare construction documents for an expansion of the Red Hook dock parking lot. Gregory said the authority is currently seeking the required permits for the project, which would include the add on of a second-level deck to the existing lot, and is hoping to start the project in the upcoming fiscal year.

Gregory said the estimated cost of the parking lot project is \$8 to \$10 million.

“We have the concept right now, but the actual construction costs would be determined upon the completion of the design,” he said. “CDR is going to take the concept to full biddable construction documents, including plans and specs and project estimates.”

The board also ratified a poll vote – taken by board members outside Wednesday’s meeting – that allowed for an \$80,000 cost extension to BDO USA, the authority’s independent auditors. VIPA Chief Financial Officer Donna Frett-Gregory said Wednesday that the company was expected to complete this year’s audit in March, but had to extend the work until June, and that the \$80,000 would cover the extra cost.

## **Bergen County freeholders hit the road, face questions on proposed oil pipeline**

August 19, 2015

The Record

The Bergen County freeholders took their meeting on the road Wednesday, taking questions from the public in the municipal council chambers in Saddle Brook on issues, including a proposed pipeline that would carry crude oil through Bergen County to refineries to the south.

Ken Dolski, a resident of Parsippany, in Morris County, asked the seven-member Board of Freeholders to do what it could to prevent construction of the proposed 178-mile Pilgrim Pipeline through the environmentally sensitive New Jersey Highlands, including Oakland.

Dolski contended that Bergen County had provided permission for Pilgrim Holdings, the company that wants to build the pipeline, to start surveying activities as a prelude to construction. None of the freeholders commented on his statement.

More than 30 communities that may be in the pipeline's route have passed resolutions opposing the plan. They including Mahwah, Oakland, Ringwood, Pompton Lakes, Wanaque, Bloomingdale, Kinnelon and Pequannock, communities in or near the Highlands region that provides potable water for millions of state residents. Four freeholder boards have done the same, including those in Passaic and Morris counties. So far, however, the Bergen County board has remained silent on the issue.

“This pipeline brings totally unacceptable risks and no benefits to Bergen County,” Dolski said. “Even a year after this pipeline project was announced, you have not decided if this development is good or bad for Bergen County.”

Pilgrim, a start-up formed by four former energy and financial executives, last year publicly proposed building a two-way underground pipeline that would deliver crude oil from Albany, N.Y., possibly to the Bayway Refinery in Linden, and send refined fuel back to New York.

Although an exact pathway has not been chosen, preliminary maps show the pipeline running along the Route 287 corridor through five counties, including the Highlands region. Pilgrim has said its pipeline would have a public benefit by cutting down on the dozens of oil trains that pass through New Jersey each week.

## **DeJongh, former PFA director charged in Mafolie-gate**

August 19, 2015

Virgin Islands Daily News

More than eight years after work started on taxpayer-funded security improvements to Gov. John deJongh Jr.'s private Estate Mafolie home - improvements that became a lightning rod for controversy throughout the former governor's tenure - criminal charges were filed Monday in the matter.

DeJongh and Julito Francis, former V.I. Public Finance Authority director of administration and finance, turned themselves in on St. Thomas on Tuesday morning after warrants were issued for their arrest, charging each of them with one count of embezzlement of public funds and one count of neglecting to pay over public monies.

V.I. Superior Court Magistrate Henry Carr advised them of their rights.

A short time later, Acting V.I. Attorney General Claude Walker announced the charges against deJongh and Francis during a press conference at the Justice Department office in Castle Coakley on St. Croix.

"We allege that on or about April 2007 through January 2009, both men, being public officers, acted in concert in the process of conversion of public monies for private use, and executed several government contracts to convert \$490,000.25 of Virgin Islands government highway funds to fund improvements to the private residence of former Governor deJongh without authority of law," Walker said as he read from a prepared statement. "These funds, however, were specifically earmarked by the Virgin Islands Legislature pursuant to Act 6917 to repair public roads."

'A local matter'

Both charges against the men are local crimes.

There are no federal charges and Walker described the case as "a local matter."

Each of the charges carries a maximum penalty of 10 years in prison, a \$10,000 fine or both, according to Walker.

The press conference was notably light on detail, with Walker fielding a few questions but providing little in the way of answers.

He said he could not provide information on whether any more arrests are pending in the case.

He said his office had been working on the charges "for some time."

Pressed for specifics about what that meant, he said he couldn't provide details.

"You have to bear in mind that I've been in this position for two weeks, but I can't give you the exact time frame involved," he said.

Walker, who is the fourth acting attorney general in Gov. Kenneth Mapp's eight month-old administration, was announced as Mapp's next nominee for the attorney general's post exactly two weeks before Tuesday's press conference.

He said he hadn't decided who would prosecute the case against deJongh and Francis.

"We will make sure that it's someone who is knowledgeable in handling these types of cases," Walker said.

Attorneys respond

Reached by phone for comment, deJongh's attorney, Michael Quinn, said his client is not guilty.

"He's completely innocent," Quinn said of deJongh. "Other than that, I don't try cases in the papers - and neither should the prosecution."

Attorney Robert King, who represents Francis, said that in his opinion, the judge made an erroneous finding of probable cause that led to his client's arrest.

The arrest warrant - supported by an affidavit by Kenneth Schulerbrandt Jr., a special agent with the Justice Department - was signed by Presiding Superior Court Judge Michael Dunston.

"In my view, that affidavit was faulty for failing to set out sufficient facts to constitute an offense," King said.

Regarding whether he thinks there are political motives behind the prosecutorial decision to file charges, King said he did not want to speculate.

"I can't tell you that. I don't know. I don't do those kinds of things. I don't try to ascribe what people's motives are," King said. "This isn't good for the Virgin Islands, I can tell you that."

Two weeks ago, Francis was indicted with Gerard Castor Sr. and John Woods on completely separate charges by a federal grand jury, in connection with an alleged bribery scheme.

All three men have pleaded not guilty to those charges.

King said he is particularly troubled by "the willingness of people to pass judgment without facts and with only accusations."

"Each one of us are a single accusation away from being a criminal defendant. The accusation only needs to come from somebody the government deems credible," he said. "It then begs the question, if it's turned around on you and you are the criminal defendant at which the charges are levied, don't you want a fair playing field?"

Mafolie

The scandal over improvements made to deJongh's private residence with public funds started with a few whispers fairly early on in the deJongh administration and grew to a roar.

It dogged him throughout his two terms in office.

Eventually, it became known as Mafolie-gate.

It also became the subject of talk shows and news stories, V.I. Senate hearings and a U.S. Department of Interior Inspector General's audit.

That audit found that the executive branch of government improperly diverted almost half a million dollars of public funds specifically earmarked for road projects to the security improvements and usurped the Legislative Branch.

"Under Virgin Islands law, only the Legislature is authorized to determine how public funds should be spent," Interior's Acting Inspector General Mary Kendall wrote to deJongh in a letter about the final report on the audit, which was released in January 2010.

What happened was this:

After deJongh was elected governor in November 2006, he decided to continue living at his private residence in Mafolie. Because of that decision, the Public Works Department asked the V.I. Attorney General's Office for a legal opinion on whether public funds could be used for security-related improvements at the governor's private home, according to the audit report.

The acting attorney general at the time, Elliott Davis, rendered a legal opinion that public funds could be used for the improvements, according to the audit report.

On Tuesday, Davis did not return Daily News messages.

Bypassing the Legislature

In his opinion, Davis concluded, the expenditure of public funds is permissible, "even if a private individual derived a special benefit, as long as a public purpose is served and that public purpose is the primary reason for the expenditure," according to the audit.

However, auditors found the opinion faulty.

They noted that in some cases Davis cites in the opinion, a common thread is that the expenditure of public funds must be legislated - something that did not happen with the Mafolie improvements.

"According to Virgin islands law, the authority to use public funds for any purpose, including improving security at the Governor's private residence, could only be obtained through legislation, not by a legal opinion," the report states.

In a letter dated April 25, 2007, former Acting Public Works Commissioner Robert Moorehead notified the Public Finance Authority that the reprogrammed funds could be used for the security enhancements to the governor's property, the audit report said.

Using that letter from Public Works, the Public Finance Authority asked the V.I. Property and Procurement Department to forward documents so that the money could be released.

"After receiving the go-ahead from the Public Finance Authority, Property and Procurement awarded roughly \$490,000 in contracts related to the security improvements at the governor's private residence," the audit report said.

A \$490,000 upgrade

Auditors found that the executive branch "ignored the rules of checks and balances when it circumvented the legislative branch by using a legal opinion to justify spending almost half-a-million dollars of legislatively obligated public funds for security improvements at the Governor's private residence," the report states.

The security improvements included erecting a permanent concrete, stone-faced security guard house; building a new driveway and parking area; and installing aluminum security fencing and surveillance equipment.

The government paid more than \$490,000 for the security upgrades.

The inspector general's report makes it clear that the investigation does not judge whether V.I. governors have a legal right to use public funds for security enhancements to their homes.

Instead, the report focuses on where the money came from in deJongh's case and whether the government used it for its intended purpose.

The report found that it did not.

Inspector general's findings

Act 6917, which the Legislature passed in 2007, reprogrammed \$1.3 million for the purpose of engineering design, construction, repair or resurfacing of roads, according to the audit - and auditors found that during discussions on the measure, the Legislature's unmistakable intention was to use the money for road repairs.

The Inspector General's report said that according to V.I. law, the government cannot enter into a contract before an appropriation has been made for that specific purpose. Therefore, all the contracts for the security improvements in Estate Mafolie were deemed invalid.

"It specifically prohibits the spending of funds for reasons other than intended in a legislative appropriation and specifies penalties for violation, including fines and imprisonment," the report said.

The audit recommended four actions to resolve the issues:

- Determine whether Government House could be made suitable to serve the residential needs of the governor, as required by the Revised Organic Act. If so, the recommendation was to secure funds to convert Government House from office to residential use. If not, the recommendation was to pursue legislation to identify alternative accommodations.

- Adhere to existing laws regarding use of public funds, which can only be used for purposes authorized by the

Legislative Branch.

- Ensure that the funds redirected and improperly expended for security improvements be returned and used as intended.
- Ensure that an appropriate security assessment is done if any appropriation for security improvements at a private residence is considered.

The governor's residence

The question of the legal residence of the governor has continued well into the Mapp administration and has not been resolved.

In his response to the report in 2010, deJongh disagreed with some of its findings.

The federal audit, released more than five and a half years ago, so far has not led to any federal charges.

Hannibal Ware, who was local field office supervisor when the audit was conducted, said Tuesday that he couldn't say whether a federal investigation still is ongoing.

"That's not something we divulge in terms of investigative work," said Ware, who is now Eastern Regional Manager for the Department of Interior's Inspector General's Office.

But he did note that when the audit was released in January 2010, a copy was forwarded to the U.S. Attorney's Office, as is routinely done with all audit reports.

"The Office of Inspector General does its work and then it's in the hands of the U.S. Attorney's Office after that," Ware said.

In his press conference Tuesday, Walker indicated that the case against the two men is a purely local matter and that the federal government is not involved.

DeJongh's promise to pay

However, large portions of Schulterbrandt's four-page affidavit supporting the charges are lifted directly from the federal audit report.

At one point before the audit report was released, deJongh went on the radio and offered to return the materials used for security enhancements and pay for what could not be removed after he left office.

As his second term neared its end, in September 2014, the 30th Legislature passed a resolution urging deJongh to return the almost \$500,000 spent on security improvements by Jan. 5, 2015, at an interest rate of 9.5 percent.

In March, deJongh told The Daily News he had not started to repay the money, but was committed to doing so.

In late April, deJongh released a statement saying he had reimbursed the territory and paid the government \$202,831.60, which he said was the appraised, fair market value of the security measures that remained at his home, "reduced by the cost of removing a now no longer required guard house from the property."

But during a press conference May 21, Terri Griffiths, who was acting attorney general at the time, went after deJongh, announcing that work done at his private residence in 2007 represented a misappropriation of funds.

She said the government had returned the \$202,831.60 check to deJongh with a hand-delivered letter.

"The Department of Justice cannot excuse and/or compromise the total misappropriated funds that were redirected from the roadway funds to your Mafolie residence," she said at the time. "Moreover, the government of the Virgin Islands needs to fully assess the nature and consequences of your conduct and the resulting loss to the government, to include any amounts of restitution that may be due as a result of your conduct."

At the time, she indicated the situation was under investigation.

Not the first time

DeJongh's arrest is not the first time a former governor in the Virgin Islands has been arrested on charges of committing white collar crimes.

Former Gov. Roy Schneider was charged in February 2000 with corruption, making false statements, conspiracy and fraud in a case that included three of his top advisers.

Prosecutors had charged the defendants with 14 counts in connection with the \$29,400 bill for a hotel room in the months following Hurricane Marilyn.

Prosecutors alleged that Walter Brunner, a Schneider friend and adviser, had stayed at Marriott's Frenchman's Reef Beach Resort after the hurricane destroyed the Schneider-owned condominium where he had been staying. Prosecutors contend that government officials paid the bill with a fraudulent scheme using government funds. Brunner was not a government employee.

Several weeks later, on March 23, 2000, the charges against Schneider and the others were dropped after an agreement was reached for Schneider to pay an undisclosed sum to cover the bill.

In the current case, DeJongh and Francis have not yet been arraigned, where they will enter a plea to the charges against them.

## **Lack of rain helps fuel algae outbreaks in North Jersey ponds, rivers**

August 19, 2015

The Record

Summer heat, combined with two months of below average rainfall, has left the Passaic River and many North Jersey waterways covered with algae and looking like pea soup.

Algae, which feeds off nutrients in treated waste water and runoff that is deposited in rivers, streams, and ponds, has turned much of the shimmering Passaic a murky green. While just about everything else has been drying up, the aquatic life that is frequently disrespected as "pond scum" has been growing by leaps and bounds.

"The only thing this dry weather has been good for has been vacations," said Dr. David Robinson, the New Jersey state climatologist. "It's not been good for the lawns and the gardens and the crops and the aquatic life, be it plant or animal. I'm not wishing flash floods and the like, but we could use some rain."

The northeast area of the state, which includes Bergen and Passaic counties has seen only about four inches of rain since July 1 and is one of the state's drier regions. Normal rainfall for July and August would be about seven inches, Robinson said.

The recent trend has been even drier. Although a band of showers dashed across North Jersey Wednesday afternoon, it produce much rain. Less than an inch of rain has fallen in August.

A good steady rain would flush the rivers, taking the algae with it. Late summer will bring diminishing sunlight and cooler water temperatures, which should aid in the algae breakup.

"This time of year, with a lot of sun hitting warm water, you will see algae come up," said Joseph A. Bella, the executive director of the Passaic Valley Water Commission. "Heavy rain will flush it."

The water commission draws much of its water from the Passaic River and tests for algae. Most of the algae is filtered out when it gets to the treatment plant in Little Falls, before the water is disinfected, Bella said.

Bella said most algae is not harmful. Of greatest concern is a species known as Blue-Green algae, which is actually a

bacteria that can be harmful if swallowed. Bella said the water commission has been testing for Blue Green algae, but has found only “tiny amounts” that are not a cause for alarm.

Algal blooms have been amplified by warm stagnant waters, Robinson said, conditions that aren’t healthy for plants or fish. But showers expected in the next few days which could get the water moving again.

“There’s enough moisture in the atmosphere, enough instability in the atmosphere, that anytime between now and next Tuesday, showers may pop up,” Robinson said.

## **Environmental group gives New Jersey lawmakers failing grade**

August 19, 2015

The Record

New Jersey legislators have failed to adequately protect the environment by allowing too many concessions to the Christie administration, according to a report released Wednesday by an advocacy group that criticized both parties.

The report by Clean Water Action shows that senators and Assembly members took pro-environment positions less than half the time on 16 key issues since 2014. The scores were based on legislative action on everything from a bill that allows more private development at Liberty State Park and the Meadowlands to a resolution opposing a proposed oil pipeline through North Jersey.

The report took aim at leadership in both Democrat-controlled houses, saying legislators often “took symbolic rather than meaningful action” in opposing Governor Christie’s “abysmal environmental record,” including allowing funds dedicated to environmental programs to be redirected to other departments.

Among the low scorers were Senate President Stephen Sweeney, D-Gloucester, and Assembly Speaker Vincent Prieto, D-Secaucus, who sponsored the Liberty State Park/Meadowlands bill.

A spokesman for Prieto said he has a long record of supporting open space preservation and other environmental issues, but sometimes has to balance that with competing interests.

“As the leader of the Assembly he must focus on a variety of issues and work with people with many different viewpoints in order to solve problems and get things done, but his dedication to the environment is unquestionable,” said Phil Swibinski, the spokesman.

The average score for Democrats was 54 percent while Republicans were at 35 percent.

The two top-scoring legislators, however, was a bipartisan affair, with Sen. Loretta Weinberg, D-Teaneck, and Sen. Kip Bateman, R-Somerville, garnering “environmental hero” honors from the group.

Among the top scorers from North Jersey were Sen. Bob Gordon D-Fair Lawn, Assemblyman Tim Eustace D-Paramus and Assemblywoman Valerie Huttie, D-Englewood. Low scorers included Sen. Paul Sarlo, D-Wood-Ridge, Sen. Gerry Cardinale R-Cresskill, and Sen. Kevin O’Toole, R-Wayne.

Although the report’s authors said the scorecard is intended to hold each legislator accountable, they said the Legislature as a whole has created setbacks to environmental protections.

Among the issues is a constitutional amendment that would guarantee money received by the state from pollution settlements to be dedicated only for environmental purposes. The amendment is an effort to block Christie from taking the bulk of a controversial \$225 million settlement with Exxon Mobil to balance the budget, a move he has made in past years with millions the state received from Passaic River polluters.

But while the Senate passed the measure, the Assembly did not take any action before a deadline expired that would have put the question on November’s ballot.

“This scorecard shows that New Jersey's legislature continues to fail at getting the job done,” said Amy Goldsmith, Clean Water Action's state director. “When it comes to protecting public health and the environment, New Jersey needs to reverse course immediately.”

A complete breakdown of the legislative scorecard is available at [www.cleanwateraction.org/njef](http://www.cleanwateraction.org/njef).

### **Morris County plans Hazardous Waste disposal event**

August 19, 2015

Morristown Daily Record

The Morris County Municipal Utilities Authority will hold a free Household Hazardous Waste Disposal and Computer/T.V. Drop-off event on Sept. 12.

It will take place from 9 a.m. to 2 p.m. at the Morris County Public Safety Training Academy, 500 West Hanover Ave., Parsippany, according to a press release from the county.

Morris County residents can drop-off, at no charge, unwanted hazardous materials and electronic devices, including computers, monitors, printers, scanners, fax machines and televisions from their homes, according to the release, which said that the list of acceptable hazardous materials include, pesticides, herbicides, fertilizers, oil-based paints, stains, paint thinners and removers, solvents, automotive fluids, lead acid and rechargeable batteries, pool chemicals, and darkroom chemicals.

Also accepted are aerosol cans (not empty), propane and helium cylinders, small quantities of asbestos if they are wetted, double bagged and sealed with duct tape, driveway sealant, roofing tar, fluorescent bulbs, PCB-ballasts, mercury thermometers and switches, household cleaning products, muriatic acid. Latex paint will not be accepted, the release said.

Explosive or highly reactive materials, such as picric acid or nitro compounds, will not be accepted. For information about safe disposal of explosive or reactive material, call 973-631-5109.

This event is for residential household waste and electronics. Businesses are not permitted to attend this disposal event. For information on business disposal, call 973- 631-5109.

For more information about these events, call (973) 285-8394, or visit the Morris County Municipal Utilities Authority website, [www.MCMUA.com](http://www.MCMUA.com)

Another Household Hazardous Waste Disposal and Computer/T.V. Drop-off event has been scheduled for Oct. 18, from 9 a.m. to 2 p.m. at the Jefferson Department of Public Works garage.

### **No Plan to Dredge Entire Shark River**

August 19, 2015

The Coaster Online

The environmentally-beleaguered Shark River will probably only have its navigational channels cleared in the future but most likely never be dredged in its entirety, according to a federal environmental official.

“Due to ecological impacts, as well as the logistics and economics of removing that much sediment, the likelihood of a permit being issued for such an activity appears minimal,” said Karen Greene, Mid-Atlantic Field Offices Supervisor for the National Marine Fisheries Service (NMFS) Habitat Conservation Division, in a statement.

“While dredging the entire river would, in fact, be something desirable for everybody unfortunately, in these times, such a project economically unfeasible. We need to concentrate on things we can do and need to make those things happen,” said Neptune Township Committeeman Randy Bishop, who has been a longtime advocate for dredging the river,

The National Marine Fisheries Service provides advice and recommendations to federal agencies on activities that they fund, authorize or undertake that may affect aquatic resources and their habitats.

Greene's statement was in response to an inquiry made by Sen. Jennifer Beck earlier this year about dredging the entire river.

"In all likelihood, the federal resource agencies, including the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the U.S. Environmental Protection Agency, would have objections to dredging the entire Shark River due to the ecological impacts that would result from the removal of mudflats and effects that the loss of this valuable habitat would have on fish and wildlife," Greene said in an April 23 statement.

Environmentalists have previously argued that if the Shark River remains filled in, then it will become dead with little or no marine life. An original dredging study, conducted more than 10 years ago, estimated that about 1.5 million cubic yards of material would have to be removed to restore the entire river.

According to the Monmouth County Economic Development Office, the Shark River's 23-mile shoreline generates \$59 million annually into the state's economy. The river was last dredged in 1980 and it borders five municipalities: Wall, Neptune, Neptune City, Avon and Belmar.

A contract to dredge about 106,000 cubic yards of sediment from the Shark River's navigational channels is expect to be awarded by early September.

Sen. Beck said she realizes that the federal response to dredging the entire river is not what some people want to hear.

"I know this is not the answer people wanted but, in reality, this is what we are dealing with. We should at least celebrate the fact that some channels are being dredged after three decades," she said.

"Not only is there no funding to undertake this kind of effort, it is not going to be allowed by the federal agencies that oversee it. It is more than apparent that dredging will be to navigational channels only," said.

Beck said that the current proposal to dredge navigational channels is a "significant project" and that she would like to see some kind of long-term schedule in place to maintain the channels.

"We need to keep up with it over time. We really need to have a long-term plan to dredge so we are not in such a position again," she said.

Greene said the only way non-navigational areas of the Shark River would be dredged is if contaminants were found.

"In the case of the Shark River, as well as any other water body, dredging should generally be limited to areas where there is a navigational need, unless there is some overriding concern with contaminant remediation," Greene said.

She said the Passaic River is an example where dredging large areas of the river is being considered to remove high levels of contaminants.

"The Passaic River is a Superfund site and it should not be considered as a typical situation," she said.

On a much smaller scale, Greene said that sites like Wreck Pond in Spring Lake and Twilight Lake in Point Pleasant Beach have also had dredging done to improve water quality but these waterbodies are coastal lakes that have very limited connection to either the Atlantic Ocean or upper Barnegat Bay and have been impacted severely by upland development.

"They are not comparable to the Shark River which is open to the Atlantic Ocean. Ecologically, the shallow water habitats and mudflats of the Shark River are important for a number of fish and avian species. Winter flounder spawn in the shallows of the river and it is used as a nursery and feeding area for a wide variety of other fish such as alewife, blueback herring, summer flounder, and many others.

Numerous species of bird use the area as well, feeding on fish and other aquatic organism found in the sediments. Portions of the river have been mapped as containing harvestable levels of hard clams," she said.

Greene also said that the EPA has designated mudflats as "special aquatic sites" under a section of the federal Clean Water Act due to their important role in the estuarine ecosystem for spawning, nursery and forage areas for fish and wildlife.

## **NJ lawmakers get failing grade on environment**

August 19, 2015

Courier-Post

New Jersey's Legislature gets a failing grade when it comes to protecting the state's natural resources, an environmental group said Wednesday in a report.

Clean Water Action's report tallies how lawmakers voted on more than a dozen bills considered to be significant environmentally in 2014 and 2015 and found that the Democrat-led Legislature scored an average of 47 percent. That's down slightly from an average score of 48 percent from the last report that looked at 2010-13.

The bills used to calculate the score included a measure allowing development permits to be extended and legislation that changed a requirement that municipalities get voter approval before privatizing public water systems.

A closer look at the issue:

- Winners and losers: Overall, Democrats scored 54 percent and Republicans received a grade of 35 percent. The average was calculated in proportion to party control of the Legislature.

Clean Water Action campaign director David Pringle said the report's conclusions are disappointing but added that lawmakers can change course by encouraging investment in renewable resources and energy efficiency.

The report highlighted what it called "heroes" — lawmakers with high scores — and "zeroes" — legislators with low grades.

State Sen. Linda Greenstein, who received a high score, said she put environmental issues "foremost" on her agenda.

"You can't see environmental issues as being secondary," she said.

- Broad criticism: Republicans scored lower than their counterparts, but the report does not spare Democrats from criticism.

"The Democrats too often took symbolic rather than meaningful action when they disagree with the Governor," the report said.

Still, 13 of 14 lawmakers with the highest scores are Democrats, and the Democratic caucuses in each chamber scored higher than their Republican counterparts.

- The bigger picture: Environmental issues have been at the center of a number of disagreements between Republican Gov. Chris Christie and groups like Clean Water Action. The report comes as Christie's administration finalizes regulations removing New Jersey from the Regional Greenhouse Gas Initiative, a so-called cap-and-trade system involving neighboring states. Environmental groups criticized the decision, saying it shows the governor does not take stewardship seriously enough.

A court is considering a proposed \$225 million natural resources settlement between the state and ExxonMobil, which Christie has said is among the largest of its kind. Environmental groups say the settlement is too small.

- What's next? Dedicating funds from the ExxonMobil settlement — presuming a judge approves it — to cleaning up the environment and overriding Christie's veto on a ban of dumping some waste in the state could boost some lawmakers' rankings, the report suggests to the Legislature.

"New Jersey is at a crossroads," the report says. "The best environmental solutions are the best economic ones."

Clean Water Action state director Amy Goldsmith said the issues are broader than just wildlife and are linked to public health.

"The environment is not just about birds and bunnies," she said.

**Rival claims Wegmans of Hanover got permits by 'fraud'**

August 18, 2015

A Superior Court judge on Tuesday agreed to hear arguments Aug. 31 on whether he has jurisdiction to decide if environmental permits for construction of a Wegmans supermarket in Hanover were obtained through “fraud by omission.”

Judge Stephan Hansbury, sitting in Morristown, strongly suggested that a state appeals court or the state Department of Environmental Protection is the appropriate venue to decide whether any critical details were omitted when permits were sought for construction of a 140,000-square-foot Wegmans Food Market in Hanover.

John Sumas, chief operating officer of Village Super Market Inc., had filed a lawsuit against Hanover 3201 Realty, a division of Mack-Cali that applied to build the Wegmans. Village Super Market Inc. owns 29 ShopRite supermarkets, including ShopRite of Greater Morristown which opened in 2013 in Hanover.

Through attorney Kevin G. Walsh, Sumas wanted the judge to declare that Hanover 3201 was violating the Freshwater Wetlands Protection Act, the Flood Hazard Area Control Act, stormwater management rules, and the state Environmental Rights Act.

Walsh argued to Hansbury Tuesday that the DEP was not fully informed of past wetland filling on the Wegmans tract and other environmental concerns, and he argued that he could prove his case if the judge allowed a period of time for him to depose three experts.

“Now is the time to preserve these wetlands. These wetlands will be destroyed forever, that’s why we are here,” Walsh argued.

“I want the court to order the defendant to come clean with the DEP,” Walsh said. The lawsuit wants the Wegmans applicant to be ordered to resubmit environmental permit applications to the state.

The judge repeatedly noted that the DEP reviewed all relevant documents for development of the Wegmans site and that it affirmed in June the granting of the permits after Sumas appealed. Hanover 3201 Realty attorney Kevin J. Coakley argued that the DEP exhaustively reviewed materials in support of the permits.

“It’s not as if government has gone to sleep in issuing this permit,” Coakley said. He called the supermarket competitor’s lawsuit “vexatious, frivolous and not supported by the law.”

The development site is about 38 acres and Coakley said about two-tenths of an acre of wetlands would be affected by construction.

The judge said he believes proper jurisdiction for review of the case lies with the appellate division, or with the DEP itself, but said he would hear arguments Aug. 31 at 3 p.m. on whether he has authority to decide the case.

As of now, the Hanover Wegmans is expected to open in the first half of 2017. Groundbreaking occurred on the Wegmans property, located near the intersection of Ridgedale Avenue and Sylvan Way, in January.